

SUMMARY OF PUBLIC COMMENTS ON DRAFT REVIEW STANDARD (RS)-001, "DRAFT REVIEW STANDARD FOR EXTENDED POWER UPDATES"

NUMBER	SUMMARY OF COMMENT	SOURCE & DATE RECEIVED	STAFF EVALUATION OF COMMENT
1	It would be helpful if a "list of precedents" were maintained either in RS-001 or on the Nuclear Regulatory Commission's (NRC's) Web site.	Nuclear Energy Institute (NEI) March 31, 2003	We agree. The NRC's power uprate Web site provides a list of license amendments that approved power uprates, along with references to associated correspondence (i.e., applications, supplements). RS-001 was modified to provide a reference to the NRC's power uprate Web site. Industry service organizations and vendors may also keep such information.
2	Where an NRC-approved topical report is used as the licensing basis for a plant-specific submittal, RS-001 should not be used by the NRC staff as the basis for expanding or re-reviewing the processes, scope, issues, and topics previously reviewed and approved during the NRC staff's review and approval of the topical report.	NEI March 31, 2003	We agree with the statement that RS-001 should not undermine the long-standing topical report review and approval process. The NRC staff will use RS-001 for reviewing all extended power uprate applications. For areas where a licensee references approved topical reports in its application, the NRC staff will utilize the approved topical reports in its reviews and will state so in the safety evaluation for the plant under review. RS-001 will not conflict with the topical report process. RS-001 was modified to convey this expectation.
3	Industry has initiated a dialogue with the NRC on the subject of the NRC's fee-billing practices. Specifically, industry has requested that the NRC consider including the number of review hours charged by branch and by reviewer for each project with an NRC technical assignment control (TAC) number.	NEI March 31, 2003	We understand that this is being handled through the LATF.
4	Given that all plants have plant-specific design features, the use of RS-001 as a review "standard" may lead to backfit issues. The users of RS-001 need to be mindful of the backfitting constraints articulated by 10 CFR 50.109.	NEI March 31, 2003	We agree. RS-001 encourages licensees to identify differences between their plant's licensing basis and the criteria in RS-001. The NRC staff has and will continue to review plants against their licensing bases. Additional clarification related to this comment was added in RS-001.

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5	To supplement the review guidance in the Office of Nuclear Reactor Regulation Office Instruction LIC-101, "License Amendment Review Procedures," the role of management in the oversight of NRC staff reviews of extended power uprate applications should be summarized and emphasized in RS-001.	NEI March 31, 2003	The NRC exercises appropriate management oversight of power uprate reviews. The NRC staff developed an effectiveness and efficiency plan for power uprates and provided this plan to the Commission via SECY-02-0115, "Effectiveness And Efficiency Plan For Power Uprates," dated June 27, 2002. RS-001 is merely one component of the effectiveness and efficiency plan. The use of status reports has been implemented at the NRC to ensure that appropriate management oversight is provided for power uprate reviews.
6	RS-001 suggests that licensees complete several matrices to identify differences between the Standard Review Plan (NUREG 0800) and the plant's licensing basis. This imposes a burden on licensees to research and prepare the matrices, and could be interpreted to include validation documentation. Licensee preparation could involve significant resources, depending on the level of detail. To avoid the need for excessive documentation, the comparison should be limited to analyses and evaluations submitted for NRC review. Typically these are areas that are not bounded at the current power level or that have a reduction in design margin.	NEI March 31, 2003	RS-001 identifies the areas the NRC staff believes should be addressed in a power uprate application. When a licensee evaluates an area identified in RS-001 and concludes that it is bounded by existing analyses of record, the area and licensee's evaluation of it should still be discussed in sufficient detail to demonstrate to the NRC staff that the licensee's evaluation adequately considered important potential impacts of the power uprate. This will involve identification of the licensing basis against which the evaluation was performed. To achieve efficiency in the NRC staff's review of the application, licensees should complete the matrices for such areas and provide the completed matrices with the application as suggested in RS-001.
7	RS-001 contains references to "other guidance," such as Regulatory Guides, which are not compliance documents unless the applicant has explicitly committed to them and incorporated them into the licensing basis of the plant.	NEI March 31, 2003	RS-001 encourages licensees to identify differences between their plant's licensing basis and the criteria in the RS-001. The NRC staff plans to review a licensee's power uprate application against the plant's licensing basis. Additional clarification related to this comment was added in RS-001.

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8	RS-001 is not a regulatory requirement. It is one alternative for compiling the information needed by the NRC staff to review an extended power uprate application.	NEI March 31, 2003	RS-001 is not a regulatory requirement. However, we believe that significant benefits can be achieved from standardization of applications and reviews. RS-001 provides a mechanism for doing this. RS-001 provides guidance to the NRC staff and licensees on the scope and methods to be used for reviewing extended power uprate applications. RS-001 helps the NRC staff standardize its review and enables licensees to prepare complete applications, both of which could result in a reduction in requests for additional information and an increase in the effectiveness and efficiency of the NRC staff's reviews. Therefore, while RS-001 is not a regulatory requirement, the NRC staff encourages licensees to use it in preparing their extended power uprate applications in order to allow improvements in the overall efficiency of the review of such applications.
9	RS-001 should include additional commentary on what constitutes sufficient detail in the context of an acceptance review of an extended power uprate application.	NEI March 31, 2003	Based on experience with acceptance reviews, the NRC staff does not believe that there are any significant problems in this area. Licensees should provide adequate detail such that a reasonable engineer is able to arrive at a similar finding as that made in the licensee's application.
10	Several matrices seem to impose universal acceptance criteria (e.g., Matrix 6, Note 8, stipulates that non-safety-grade pressure-operated relief valves should not be credited for event mitigation and pressurizer level should not be allowed to reach a pressurizer water-solid condition). The applicability of such a criterion is a function of the licensing-basis analysis and testing that was performed. NRC management should provide the necessary oversight to ensure that acceptance criteria are based on the documented licensing basis.	NEI March 31, 2003	RS-001 encourages licensees to identify differences between their plant's licensing basis and the criteria in the review standard. The NRC staff plans to review a licensee' power uprate application against the plant's licensing basis. Additional clarification related to this comment was added in RS-001.

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11	RS-001 seems to make audits of licensee calculations mandatory rather than optional. RS-001 should stipulate the audits are optional, rather than mandatory. Also, audits should be limited to verifying the proper application of a methodology and should not be used to re-open an NRC-approved methodology for further staff review.	NEI March 31, 2003	The guidance for independent calculations was developed to ensure that it captures the NRC staff's intent for performing independent calculations. The staff recognizes that the need for independent calculations are determined on a case-by-case basis at the discretion of the reviewers. The staff has modified the guidance in RS-001 for independent calculations to address this comment.
12	RS-001 should include a stand-alone reference section.	NEI March 31, 2003	For the most part, RS-001 refers to other documents for technical and process guidance and does not provide detailed technical or process guidance itself. Based on this, the staff does not believe that sufficient benefits exist for creating a separate reference section for RS-001.
13	Because of the significant effort associated with preparing an extended power uprate application and the subsequent NRC staff review of it, the initial use of RS-001 should be monitored to identify "lessons learned" that can be incorporated into future revisions of the document.	NEI March 31, 2003	RS-001 is a living document and will be updated as needed to incorporate lessons learned and experience gained from power uprate reviews, as well as other experience.
14	RS-001 should be revisited and evaluated to determine if there is indeed a savings in review costs and requests for additional information.	Strategic Teaming and Resource Sharing (STARS) March 28, 2003	There are several goals for developing RS-001, including improving the consistency, effectiveness, efficiency, and documentation of the NRC staff's reviews of extended power uprate applications. Future evaluations of and updates to RS-001 will consider all of the goals of the review standard.

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15	The template safety evaluations in RS-001 conceptually establish the review standard as regulatory guidance for licensees (i.e., a document similar to a Regulatory Guide or NUREG). RS-001 does not have the same review, comment, and publication requirements and controls. Where the current development and review has been extensive and comprehensive, there does not appear to be a requirement for future revisions to be as rigorous. The template safety evaluations should be modified to clarify that RS-001 is not provided as guidance for licensees. Alternatively, the review and approval process for future revisions to RS-001 should be established and should require public notification and comment.	STARS March 28, 2003	The NRC staff agrees. The NRC staff plans to formalize the process for developing and revising review standards and establish appropriate thresholds for seeking public comment.
16	There is the potential that some of the criteria established by RS-001 may pose issues of backfit on some licensees. RS-001 should provide guidance on the criteria that could be considered backfit.	STARS March 28, 2003	RS-001 encourages licensees to identify differences between their plant's licensing basis and the criteria in the review standard. The NRC staff plans to review a licensee's power uprate application against the plant's licensing basis. Additional clarification related to this comment was added in RS-001.
17	RS-001 appears to require the development of a matrix to identify differences between the Standard Review Plan and the licensing basis of the plant. This comparison should be limited to areas that are of most interest to the NRC; specifically, those areas that are not bounded at the current power level or where a significant reduction in design margin may occur when the power uprate is implemented.	Framatome ANP, Inc. May 2, 2003	The staff has identified the areas of interest for an extended power uprate in RS-001. The staff believes that to gain a sufficient level of understanding of the impacts of a proposed extended power uprate, a licensee should provide the information identified in the matrices in RS-001. Such information, for all areas of the scope of review, is necessary for the staff to determine if it agrees with the licensee's conclusions.

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18	RS-001 includes references to “other guidance,” which includes regulatory guides and other documents that may not be part of the licensing basis. This requirement should be limited to those documents that are part of the licensing basis.	Framatome ANP, Inc. May 2, 2003	The matrices in RS-001 are generic. Licensees should clearly identify differences between their plants’ licensing bases and the criteria in the review standard. In cases where a plant’s licensing basis is based on different criteria, the licensee should identify the criteria or provide a reference to the documents where the criteria exist. The staff plans to review a licensee’s power uprate application against the plant’s licensing basis.
19	RS-001 requires an audit of calculational files under certain conditions. Since the NRC always has this opportunity available, it seems unnecessary to require it. Our experience shows that this type of interaction places a significant burden on both the NRC and the applicant, a burden that appears unnecessary in this case. The intent of audits should be to ensure that methodologies are being properly applied rather than subjecting licensees to potential re-review of accepted methods.	Framatome ANP, Inc. May 2, 2003	The staff believes that providing guidance in RS-001 on when to perform such audits or calculations makes the review more consistent and transparent to all stakeholders. In general, the staff’s review will be to ensure that methodologies are being properly applied. However, the staff notes that it may be necessary to revisit previously accepted methods to ensure that a proposed extended power uprate would not result in placing the plant’s response outside of the applicability of the methods.
20	Several instructions are provided to the reviewers emergency core cooling system analyses that might not be consistent with plant-specific licensing bases. To avoid the potential for imposing unnecessarily stringent acceptance criteria, the basis for determining adequate safety should be the existing licensing basis.	Framatome ANP, Inc. May 2, 2003	RS-001 encourages licensees to identify differences between their plants’ licensing bases and the criteria in the review standard. The NRC staff plans to review a licensee’s power uprate application against the plant’s licensing basis. Additional clarification related to this comment was added in RS-001.
21	The requirement to review “training for non-licensed plant staff” does not appear pertinent. Any plant modification may require some specialized training. So it is not clear why this particular instruction is included.	Framatome ANP, Inc. May 2, 2003	This instruction is needed for the staff to confirm that the licensee has considered impacts of the extended power uprate on operations, as well as other support staff at the plant.
22	An even more important action than formalizing a standard review plan is to establish a standard format for applications for extended power uprates.	Framatome ANP, Inc. May 2, 2003	The staff believes that RS-001 could be used by industry to guide its development of such a format for extended power uprate applications.